

ORDINANCE NO. 2365 (2021)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, ADOPTING THE KING COUNTY SURFACE WATER DESIGN MANUAL AND ESTABLISHING NEW USER RATES FOR STORM AND SURFACE WATER SERVICES; AMENDING SECTION 18.01.010, SECTION 18.02.040, CHAPTER 18.04, CHAPTER 18.05, CHAPTER 18.08, AND CHAPTER 18.10 OF THE BOTHELL MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR SUMMARY PUBLICATION

WHEREAS; it is the City Council's vision to provide surface and stormwater management to promote the public health, safety and welfare by minimizing uncontrolled surface and storm water, erosion, and water pollution; and

WHEREAS; it is the City Council's vision to preserve and utilize the many values of the city's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, and urban separation and drainage facilities; and

WHEREAS; it is the City Council's vision to provide for the comprehensive management and administration of surface and storm water; and

WHEREAS; the City Council deems it necessary to adopt the King County Surface Water Design Manual as the basis for storm water facility design; and

WHEREAS; it is the City Council's vision to provide surface and stormwater management in a manner that is fiscally responsible; and

WHEREAS; the City Council reviews the surface water management service charges annually to ensure the long-term fiscal viability of the utility; and

WHEREAS; the City Council deems it necessary to increase the user rates for storm and surface water services in the City of Bothell.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 18.01.010 of the Bothell Municipal Code is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~striketrough~~, and skipped sections to remain unchanged denote by three asterisks (***) ; all other provisions of these sections shall remain unchanged and in full force:

18.01.010 Definitions.

For the purpose of this chapter and all of this title, the terms, phrases, words and their derivations have the following definitions. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory. The word “may” is permissive. Other definitions contained in Chapter 11.02 BMC, Definitions, and in BMC Title 17, Transportation, shall also apply to this title and chapter, except when inconsistent with a definition herein.

1. “AKART” means all known, available, and reasonable methods of prevention, control, and treatment as established by State Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

2. “Best management practices (BMPs)” means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

~~3. “Bothell Surface Water Design Manual (BSWDM)” means the manual of technical and administrative procedures established by the director which delineates methods to be used, the level of detail of analysis required, and other details for implementation of the provisions of this chapter. This manual is found in Chapter 4 of the Bothell Standards.~~

34 . “Clean Water Act” means the federal Water Pollution Control Act (33 USC Section 1251 et seq.), and any subsequent amendments thereto.

~~45.~~ “Common areas” means those parcels of land set aside for the use in common by the owners of other lots.

~~56.~~ “Comprehensive storm and surface water program” means a plan and all implementing regulations and procedures including but not limited to capital projects, public education activities, land use management regulations adopted by ordinance for managing surface and storm water management facilities and features within the city.

~~67.~~ “Director” means the director of the department of public works of the city of Bothell or the director’s designee.

~~78.~~ “Drainage basin” means the geographic region within which water drains into a particular aquatic system or other body of water.

~~89.~~ “Drainage facility” means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and constructed.

~~910.~~ “Excavation” means the digging, breaking, or removal of soil or rock.

~~1011.~~ “Grading” means the shaping, excavating, or filling of the ground surface.

~~1112.~~ “Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

~~1213.~~ “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

~~1314.~~ “Hyperchlorinated” means water that contains more than 10 milligrams/liter chlorine.

~~1415.~~ “Illicit discharge” means any direct or indirect non-storm water discharge to the city’s surface and storm water management system, except as expressly allowed by this chapter.

~~1516.~~ “Illicit connection” means any manufactured conveyance that is connected to municipal separate storm sewers, surface waters, or ground waters without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected, outfall to, or flow into municipal separate storm sewer system, surface waters, or ground waters.

16. “King County Surface Water Design Manual (KCSWDM)” means the manual of technical and administrative procedures established by the director which delineates methods to be used, the level of detail of analysis required, and other details for implementation of the provisions of this chapter. This manual is found on the King County website.

Section 2. Section 18.02.040 of the Bothell Municipal Code is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strike through~~, and skipped sections to remain unchanged denote by three asterisks (***); all other provisions of these sections shall remain unchanged and in full force:

18.02.040 Permissible alternatives to Bothell Standards.

A. The public works director shall have the authority to review requests from an applicant for deviations from the Bothell Standards or KCSWDM; provided the deviation shall result in performance equal to or better than the original standard. The decision to approve or deny the request shall include consideration of written information submitted by the applicant which shall include the following:

1. The specific standard deviation(s) being requested.
2. An engineering report, calculations or documentation which indicates the requested alternative shall result in performance equal to or better than the original standard.
3. Agreement to extend the city’s regulatory time frame under growth management, when applicable, to review and act on the request. (Normally permits issued by public works are not subject to regulatory reform time frames.)

B. The director shall notify the applicant in writing of the decision as part of the normal permit review process. A copy of the decision shall be kept in the city's file for reference.

C. In addition, when a permissible alternative is granted to the minimum requirements found in the ~~Bothell Standards, Chapter 4, Bothell Surface Water Design Manual~~ Bothell Standards or KCSWDM, a written finding of fact shall be prepared by the public works director that addresses the following:

1. The adjustment provides substantially equivalent environmental protection.
2. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.

Section 3. Chapter 18.04 of the Bothell Municipal Code is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strike through~~, and skipped sections to remain unchanged denote by three asterisks (***) ; all other provisions of these sections shall remain unchanged and in full force:

18.04.040 Permits required.

No person shall make any additions, betterments or extensions to the existing storm drainage system without first obtaining a permit to do so. The following permits apply to grading, excavating, and storm drainage system work:

A. ROW Permit. A right-of-way invasion permit shall be required whenever storm drainage system additions, betterments or extensions are made within the street right-of-way or a public easement.

B. Storm Drainage Side Sewer Permit. A storm drainage side sewer permit shall be required for the construction of any storm drainage side sewer or on-site storm drainage system.

C. Grading Permit. A grading permit shall be required whenever grading activities are performed.

D. Utility Permit. A utility permit shall be required for any infrastructure improvements that include stormwater revisions not associated with ROW, Grading, or Storm drainage Side Sewer permit.

ED. A right-of-way invasion permit, storm drainage side sewer permit and grading permit shall expire two years from the date of issuance; except that permits issued through December 31, 2011, shall expire four years from the date of issuance. The director is authorized to approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance.

FE. Every permit which has been expired for less than one year may be renewed for a period of one year for an additional fee, based on the valuation of the work remaining, as long as no changes have been made to the originally approved plans. For permits that

have been expired for longer than one year, a new permit must be obtained and full new fees paid. No permit shall be renewed more than once.

Exemption from the permit requirements of this title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the BMC or the KCSWDM.

18.04.070 Drainage plan - Review and approval.

All persons applying for any development permit and/or approvals shall submit for approval a drainage plan with their application and/or request in accordance with the BSWDM Bothell Standards, except for applications for the following permits:

Administrative Interpretations	Plumbing Permit
Sign Permit	Electrical Permit
Street Vacation	Mechanical Permit
Demolition Permit	Sewer Connection Permit
Street Use Permit	Utility Permit (waste, sewer, storm)
Interior Alterations with no change of use	Water Meter Permit
Right-of-Way Invasion Permit	Hydrant Use Permit
Single Family Remodeling with no change of use	Side Storm Sewer Connection
Single Family Building Permit not associated with	
any subdivision	

18.04.080 Additions, betterments, extensions - Compliance with comprehensive storm water plan.

Additions, betterments and extensions to the existing storm drainage system of the city shall be made in accordance with the storm drainage comprehensive plan, KCSWDM, and Bothell Standards adopted by the city council and shall require a permit. The fee for said permit shall be as established by resolution of the city.

18.04.160 Assumption of maintenance by city of facilities on public property.

The city is authorized to assume the maintenance of storm drainage facilities that only capture runoff from public property or public rights-of-way. All other facilities must be on private property and be privately owned and maintained. Public facilities must be located in public property or in public rights-of-way. ~~a~~After the expiration of the two-year maintenance period, the City will assume ownership and maintenance of public facilities in connection with the subdivision of land if all of the following provisions have been satisfied:

- A. All of the requirements of the drainage plan per BMC 18.04.070 have been fully complied with;
- B. The facilities have been inspected and approved in accordance with the Approved Plans, BSWDM Bothell Standards;
- C. The cash or surety bonds required in BMC 18.04.100, Additions, betterments, extensions - Procedure, shall have been extended for one year, covering the city's first year of maintenance; and
- D. All necessary easements entitling the city to properly maintain the facility have been conveyed to the city and recorded with the county auditor.

18.04.270 General maintenance requirements.

A. Duty to Maintain.

- 1. The property owner, or facility owner as identified by means of an easement or other like document, shall maintain, repair, restore or replace, at the owner's expense, all private storm water and drainage systems located on the owner's property or for which the person is the owner.
- 2. No person shall cause or permit any drainage system to be obstructed, filled, graded, or used for disposal of debris.
- 3. All storm drainage facilities shall be maintained in accordance ~~with~~ the Bothell Standards and as set forth in the ~~BSWDM~~ KCSWDM. The owner of facilities shall be required to maintain these facilities in a clean condition at least annually, and in conformance with the approved design. These facilities shall be subject to an annual inspection by the director or the director's delegate, and any and all deficiencies noted in writing through an order to maintain. The owner shall respond to the order to maintain within 30 calendar days of written notice. Unless an appeal is filed with the director, the order to maintain shall become final after 30 calendar days of written notice. The owner shall correct all deficiencies within the time established in the order to maintain.
- 4. Failure to comply with the requirements of this section shall be subject to the civil penalties described in BMC 11.20.010.

18.04.280 Comprehensive storm drainage plan - Adoption.

The city comprehensive storm water master plan dated June 1994, updated by the Bothell Storm and Surface Water Master Plan Update 2021~~15~~, is adopted and incorporated herein by reference.

18.04.290 Jurisdiction.

All of the real property within the limits of the city is included within the City's Municipal Separate Storm Sewer System plan and subject to the regulations of the Bothell Standards, KCSWDM, ~~BWSDM~~ and any supplements or amendments thereto.

18.04.300 Source Control.

BMPs shall be applied to any business or residential activity that might discharge contaminants to a public drainage facility, natural drainage system, surface and storm water, or ground water. Contaminants shall be controlled by implementing appropriate source control BMPs, as described in the King County Stormwater Pollution Prevention Manual (2021 or most current version). Discharges associated with activities not addressed in the King County Stormwater Pollution Prevention Manual shall be controlled using BMPs reviewed and accepted by the city. Failure to implement such practices shall constitute a violation and be subject to penalties in Chapters 18.04.500 and 11.20 Enforcement of the Bothell Municipal Code.

Section 4. Chapter 18.05 of the Bothell Municipal Code is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strikethrough~~, and skipped sections to remain unchanged denote by three asterisks (***) ; all other provisions of these sections shall remain unchanged and in full force:

18.05.020 Design, construction and maintenance - General requirements.

A. The design, construction, and maintenance of all grading activities shall comply with the requirements and design standards contained in all of the following regulations:

1. This chapter;
2. Bothell Design and Construction Standards - General Conditions;
3. Bothell Design and Construction Standards - Grading and Land Alteration;
4. Bothell Design and Construction Standards - Storm Drainage ~~Surface Water Design Manual~~;
5. King County Surface Water Design Manual
6. Chapter 14.04 BMC, Critical Area Regulations;

7. Chapter 13.13 BMC, Critical Areas in Shoreline Jurisdiction;
8. Chapter 18.04 BMC, Storm Water and Drainage Control Code; and
9. BMC Title 12, Zoning Code.

B. In the case of conflicts among the documents listed in subsection A of this section, such conflicts shall be resolved by applying the most restrictive requirement.

18.05.090 Surface water requirements for grading, design and construction.

All grading activities shall be required to comply with the city of Bothell Design and Construction Standards as adopted within BMC 18.02.010, including the thresholds, definitions, and minimum requirements found within the ~~Bothell Surface Water Design Manual~~King County Surface Water Design Manual.

A. All grading activities shall be in accordance with a city-approved erosion and sedimentation control plan, as well as the provisions of Chapter 18.04 BMC, Storm Water and Drainage Control Code.

B. Grading activities shall consider the surface and subsurface drainage effect of the proposed alterations on adjacent properties, rights-of-way, utilities and other improvements. All planned grading activities shall include recommendations, measures, and best management practices.

C. The director may require additional controls or modified minimum requirements for specific projects or areas based on specific site conditions, identified capacity limitations, significant erosion potential, landslide hazards, impacts to critical areas, or seasonal factors as identified within the Bothell Design and Construction Standards.

Section 5. Chapter 18.08 of the Bothell Municipal Code is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strike through~~, and skipped sections to remain unchanged denote by three asterisks (***) ; all other provisions of these sections shall remain unchanged and in full force:

18.08.040 Criteria for approval.

A variance shall be granted by the city only if an applicant demonstrates all of the following:

A. The strict enforcement of the provisions of this title or the Bothell Standards creates an unreasonable hardship to the property owner;

B. The variance is reasonable because of the unique size, shape, topography, or location of the subject property;

C. The subject property is deprived, by provisions of this title or the Bothell Standards, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;

D. The need for the variance is not the result of deliberate actions of the applicant or property owner;

E. The variance does not create public health or safety hazards;

F. The variance does not relieve an applicant from any of the procedural provisions of this title or the Bothell Standards;

G. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;

H. The variance is the minimum necessary to relieve the applicant of the unreasonable hardship;

I. The variance from public works engineering standards or site improvement requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;

J. The variance does not relieve an applicant from the provisions of the Critical Area Regulations, Chapter 14.04 BMC, and the shoreline master program, except as provided therein;

K. In the case of a waterward shoreline variance, the following additional criteria are met:

1. Strict application of the standards precludes a reasonable allowable use of the subject property; and

2. The public rights of navigation and use of the shoreline shall not be adversely affected; and

~~L. In the case of the minimum requirements contained in the Bothell Standards, Chapter 4, and the Bothell Surface Water Design Manual King County Surface Water Design Manual, exceptions shall only be granted if such application of minimum requirements imposes a severe and unexpected economic hardship on the project applicant. The following shall also apply:~~

~~1. Any exception must also meet the following criteria:~~

~~a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and~~

~~b. The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements.~~

~~2. A written finding of fact shall be prepared that considers and documents the following:~~

~~a. The current (pre-project) use of the site; and~~

- ~~b. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and~~
- ~~c. The possible remaining uses of the site if the exception were not granted; and~~
- ~~d. The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and~~
- ~~e. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and~~
- ~~f. The feasibility for the owner to alter the project to apply the minimum requirements.~~

18.08.050 Decision process.

A. The public works director shall first determine whether an initial request shall be subject to this process or shall be handled administratively as a permissible alternative to the public works regulations and/or Bothell Standards. The public works director shall review variance requests associated with public works codes and Bothell Standards and make written recommendations to the applicable hearing body for conditions of approval or denial.

Processing the variance request shall conform to requirements of BMC Title 11, Administration of Development Regulations.

B. Variance requests to the minimum requirements found in Bothell Standards, Chapter 4, ~~Bothell Surface Water Design Manual~~ and King County Surface Water Design Manual are also subject to the following:

1. A written finding of fact shall be prepared by the public works director that documents the determination to grant an exception to the minimum requirements.
2. The city shall keep records, including the written findings of fact, of all exceptions to the minimum requirements.
3. The city shall seek prior approval from the Washington State Department of Ecology for any city-wide exemption(s).

Section 6. Chapter 18.10 of the Bothell Municipal Code is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strike through~~, and skipped sections to remain unchanged denote by three asterisks (***) ; all other provisions of these sections shall remain unchanged and in full force:

18.10.040 Definitions.

A. "Developed parcel" means any parcel altered from the natural state by the construction, creation, or addition of impervious surfaces.

- B. “Elderly” means the age established by RCW 74.38.070, as it now exists or may hereafter be amended.
- C. “Impervious surface” means a nonvegetated surface which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or causes water to run off the surface in greater quantities or at an increased area of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded but shall be considered impervious surfaces for purposes of runoff modeling.
- D. “Land use code” or “zoning code” means the restrictions on the type of development for a specific parcel of land as described in BMC Titles 15, 16 and 17.
- E. “Low-income” means a person with an annual income level as established by RCW 84.36.381(5)(b), as the same now exists or may hereafter be amended.
- F. “Maintenance” means the act or process of cleaning, repairing or preserving a system, unit, facility, structure, or piece of equipment.
- G. “Nonresidential Parcel” for stormwater utility billing purposes, means any parcel which contains more than three residences or is used primarily for commercial or other non-residential purposes. These parcels are classified from Very Light to Very Heavy based on percentage impervious area, as referenced within BMC 18.10.110.
- GH. “Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by either the King County or Snohomish County assessor.
- HI. “Person” means any individual, firm, company, association, corporation, or governmental agency.
- IJ. “Property owner of record” means a person or persons shown in the records of the county assessor to be the owner of property and to whom property tax statements are directed.
- JK. “Rate category” means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.
- KL. “Rates” means the dollar amount charged per unit of surface area of a parcel of real property or per parcel based upon the land use classification and/or amount of impervious surface coverage for the accommodation of storm and surface water runoff and other surface water management services.

~~LM.~~ “Retention/detention facility” means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

~~MN.~~ “Residence” means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term “residence” includes the term “residential” or “residential unit” as referring to the type of or intended use of a building or structure.

~~NO.~~ “Service charges” means charges to property owners for storm and surface water management services. “Residential parcel” means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.

~~OP.~~ “Residential parcel” means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.

“Service charges” means charges to property owners for storm and surface water management services.

~~PQ.~~ “State highway right-of-way” means the right-of-way of a state limited access highway. The term does not include city streets forming a part of the route of state highways that are not limited access highways or state property under the jurisdiction of the Department of Transportation that is outside the right-of-way lines of a state highway.

~~QR.~~ “Utility” means the Bothell storm and surface water management utility created under the provisions of this chapter.

18.10.080 Charge system established - Charges imposed.

A. Effective January 1, 1995, the director shall classify all properties in the city into rate categories according to their land use classification and/or degree of impervious surface coverage. Effective January 1, 1995, the city shall impose on all property located within the Bothell city limits a storm and surface water service charge.

B. A system and structure of storm and surface water service charges is hereby established in accordance with the following provisions of this chapter.

C. The city and other jurisdictions may enter into interlocal agreements allowing the other jurisdictions to provide surface and storm water management services and/or charges for specified developed parcels lying within ~~outside of~~ the city.

18.10.110 Storm and surface water service charge schedule.

A. Schedule. The schedule for storm and surface water service charges shall be as follows:

Class	Impervious Surface %	<u>2021 Rate</u>	<u>2022 Rate</u>
Residential Parcel (BMC 18.10.040)	N/A	\$189.03 per acre/year	<u>\$200.37 per parcel</u>
Very Light (Nonresidential Parcel, BMC 18.10.040)	>0% to <10%	\$189.03 per acre/year	<u>\$200.37 per acre/year</u>
Light (Nonresidential Parcel, BMC 18.10.040)	10% to <20%	\$440.97 per acre/year	<u>\$467.43 per acre/year</u>
Moderate (Nonresidential Parcel, BMC 18.10.040)	20% to <45%	\$914.70 per acre/year	<u>\$969.58 per acre/year</u>
Moderate Heavy (Nonresidential Parcel, BMC 18.10.040)	45% to <65%	\$1,766.58 per acre/year	<u>\$1,872.57 per acre/year</u>
Heavy (Nonresidential Parcel, BMC 18.10.040)	65% to <85%	\$2,238.93 per acre/year	<u>\$2,373.27 per acre/year</u>
Very Heavy (Nonresidential Parcel, BMC 18.10.040)	85% to 100%	\$2,935.16 per acre/year	<u>\$3,111.27 per acre/year</u>
City Streets	N/A	Set in accordance with RCW 90.03.525	<u>Set in accordance with RCW 90.03.525</u>
State Highways (Limited Access, RCW 47.52)	N/A	Set in accordance with RCW 90.03.525	<u>Set in accordance with RCW 90.03.525</u>
Undeveloped (BMC 18.10.010)	0%	<u>Exempt</u>	<u>Exempt</u>

B. Minimum Service Charge. The minimum service charge for non-exempt parcels in any class shall be ~~\$189.03~~ \$200.37 per parcel/year.

C. City Reserves the Right to Make Changes. The City may supplement or alter charges within subareas of the City so as to charge properties or parcels of one subarea for improvements, studies, or maintenance which the City Council deems to provide service or benefit the property owners of one subarea.

D. Annual Review of Schedule. The City Council will review the surface water management service charges annually to ensure the long-term fiscal viability of the program and to guarantee that debt covenants are met. The program shall use equitable and efficient methods to determine service charges.

E. Service Charges associated with Open Spaces and/or Common Areas within multi-family Nonresidential Parcels will be calculated and then billed to the Owner's Association or divided equally between all residents if an Owner's Association is not established.

Section 7. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. SAVINGS. The enactments of this ordinance shall not affect any case proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 9. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect January 1, 2022 which is more than five (5) days after passage and publication of an approved summary thereof consisting of the title.

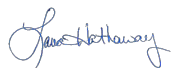
Section 10. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

APPROVED:



LIAM OLSEN
MAYOR

ATTEST/AUTHENTICATED:



LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:



ROBBIE SEPLER
DEPUTY CITY ATTORNEY

FILED WITH THE CITY CLERK: 10/14/2021
PASSED BY THE CITY COUNCIL: 10/19/2021
PUBLISHED: 10/25/2021
EFFECTIVE DATE: 01/01/2022
ORDINANCE NO. 2365 (2021)

SUMMARY OF ORDINANCE NO. 2365 (2021)

City of Bothell, Washington

On the 19th day of October, 2021, the City Council of the City of Bothell passed Ordinance No. 2365 (2021). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, ADOPTING THE KING COUNTY SURFACE WATER DESIGN MANUAL AND ESTABLISHING NEW USER RATES FOR STORM AND SURFACE WATER SERVICES; AMENDING SECTION 18.01.010, SECTION 18.02.040, CHAPTER 18.04, CHAPTER 18.05, CHAPTER 18.08, AND CHAPTER 18.10 OF THE BOTHELL MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR SUMMARY PUBLICATION

The full text of this Ordinance will be mailed upon request.



LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: 10/14/2021
PASSED BY THE CITY COUNCIL: 10/19/2021
PUBLISHED: 10/25/2021
EFFECTIVE DATE: 01/01/2022
ORDINANCE NO. 2365 (2021)